

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION AT AKRON**

IN RE:)	CASE NO. 18-51740
)	
JAMES E. COPLEY and)	ADVERSARY NO. 18-_____
KAREN A. COPLEY)	
)	
Debtors)	IN PROCEEDINGS UNDER CHAPTER 7
)	
HAROLD A. CORZIN, TRUSTEE)	JUDGE ALAN M. KOSCHIK
Commonwealth Square)	
304 N. Cleveland-Massillon Road)	
Akron, OH 44333)	
)	
Plaintiff)	
)	
vs.)	COMPLAINT
)	
STEVEN BIAS)	
14209 St. James Avenue)	
Cleveland, OH 44135)	
)	
Defendant)	TYPE: TURNOVER; EVICTION

Now comes the plaintiff, Harold A. Corzin, Trustee, by and through his attorney, and, for his causes of action against the defendant, Steven Bias, states as follows:

I - JURISDICTION AND PARTIES

1. This court has jurisdiction over the within adversary proceeding pursuant to 28 USC § 1334 and 28 USC § 157 and the claims set forth herein are core proceedings or are related proceedings and the plaintiff consents for this Court to hear, determine, and enter appropriate orders and judgments, including final judgments, in the within proceeding.

2. The plaintiff, Harold A. Corzin, Trustee, is the duly appointed, qualified, and acting trustee for the debtors, James E. Copley and Karen A. Copley, having been designated trustee by the Office of the United States Trustee following the filing of a petition seeking relief under Chapter 7 of the United States Bankruptcy Code by said debtor on the 20th day of July, 2018.

3. The defendant, Steven Bias, is a resident of Cuyahoga County, Ohio and a lessee of the debtors, James E. Copley and Karen A. Copley.

II - OPERATIVE FACTS COMMON TO ALL CLAIMS

4. The debtors and the defendant did enter into a lease agreement for his occupancy of property known for mailing purposes as 14209 St. James Avenue, Cleveland, Ohio 44135.

5. That such property is owned by the debtors and was so owned at the time of the filing of the bankruptcy petition by said debtors and is property of the estate of these debtors pursuant to § 541 of the United States Bankruptcy Code.

6. That the defendant was obligated to pay the sum of \$650 per month for his occupation of said property.

7. The defendant has failed to pay such sums for the months of July, August, September, October, November, and December, 2018.

8. That such failure to pay constitutes a default in the terms of the lease.

9. That the plaintiff did cause the defendant to be served with a three day notice to vacate the premises on or about the 14th day of December, 2018.

III - FIRST CLAIM FOR RELIEF

10. That the plaintiff, by virtue of his status as trustee for the estate of the debtors, James E. Copley and Karen A. Copley, is a successor to their interests in real property known for mailing purposes as 14209 St. James Avenue, Cleveland, Ohio 44135.

11. The defendant has a month to month tenancy with the plaintiff which, by operation of law, has been rejected.

12. The defendant has failed to pay rent as required under the terms of the lease.

13. After service of the three day notice, the defendant has failed to vacate the premises.

IV - SECOND CLAIM FOR RELIEF

14. The defendant is an entity other than a custodian.

15. The said defendant is in possession, custody, or control during the case of the property known for mailing purposes as 14209 St. James Avenue, Cleveland, Ohio 44135 and rent owing to the estate in the amount of \$650 per month for the months of July through December, 2018 and

further owes a debt that is property of the estate that is matured, payable on demand, or payable on order.

16. The defendant is under a duty to deliver such property and to pay the obligation herein described to the trustee forthwith.

17. That such property is not of inconsequential value or benefit to the estate and the debt is not subject to offset under § 553 of Title 11 of the United States Code.

WHEREFORE, plaintiff prays that this Court enter its order granting judgment in favor of the plaintiff and against the defendant, Steven Bias, in the amount of \$3,900 plus \$650 per month for each month the defendant remains in possession of the premises, ordering the defendant to vacate the premises located at 14209 St. James Avenue, Cleveland, Ohio 44135, for his costs herein incurred, and for such other and further relief as is just and proper.

GIBSON & MORAN LLC

/s/ Michael J. Moran

Michael J. Moran (#0018869)

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